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14  
15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 KRISTASIA BUTLER, an individual,  
18 Plaintiff,  
19 vs.  
20 ALBERTSONS LLC, SAFEWAY REALTY  
21 LLC; DOE STORE MANAGER; DOE  
22 STORE EMPLOYEE; DOES I through XXX,  
23 inclusive and ROE BUSINESS ENTITIES I  
24 through XXX, inclusive,  
25 Defendants.

26 CASE NO.: 2:23-cv-01907-JCM-BNW

27  
28 **STIPULATION TO EXTEND**  
**DISCOVERY PLAN AND**  
**SCHEDULING ORDER**  
**(FIRST REQUEST)**

29  
30 **SUBMITTED IN COMPLIANCE WITH**  
**LR 26-3**

31 Plaintiff, KRISTASIA BUTLER, by and through her attorneys, MICHAEL NIXON,  
32 ESQ. of LADAH LAW FIRM, and Defendant, ALBERTSONS LLC, by and through its  
33 attorneys, LEW BRANDON, JR., ESQ. and RYAN VENCI, ESQ of BRANDON | SMERBER  
34 LAW FIRM, stipulate and agree that the discovery schedule be extended pursuant to LR 26-3.

35 **I. Discovery Conducted to Date (LR 26-4(a)):**

36 Both parties have submitted their initial FRCP 26.1 disclosures. Defendant served  
37 interrogatories, request for production of documents, and requests for admissions and Plaintiff  
38 provided responses.

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**II. Discovery to be Conducted (LR 26-4(b)):**

1. Obtain Plaintiff's medical records.
2. Plaintiff's deposition
3. Retain and disclose experts.
4. Defendant's FRCP 30(b)(6) depositions.
5. Percipient witness depositions (Scheduling).
6. Expert depositions; and
7. Medical provider depositions.

### III. The Reasons the Remaining Discovery Cannot Be Completed within the Time

### **Limits Set by the Discovery Plan (LR 26-4(c)):**

Plaintiff's deposition was originally scheduled for March 1, 2024. Due to scheduling conflicts with Plaintiff's counsel the parties mutually agreed to continue Plaintiff's deposition. Initial expert disclosures are April 5, 2024. Defendant, at a minimum, needs to obtain Plaintiff's records to evaluate a potential medical expert. In addition to needing to obtain Plaintiff's medical records to get an expert, we need to complete the Plaintiff's deposition and rescheduling her deposition does not allow enough time to take it, get the transcript and get an expert report. The parties have been working in a diligent and courtesy manner and not for the purpose of delay.

**IV. Proposed Schedule for Completing All Remaining Discovery (LR 26-4(d)):**

The current discovery deadlines are as follows:

1. Amend Pleadings and Add Parties (LR 26-1(b)(2)): March 6, 2024
2. Initial Expert Disclosures (LR 26-1(b)(3)): April 5, 2024.
3. Rebuttal Expert Disclosures (LR 26-1(b)(3)): May 3, 2024.
4. Dispositive Motions (LR 26-1(b)(4)): July 4, 2024.
5. Discovery Cutoff (LR 26-1(b)(1)): June 4, 2024.

The parties propose extending all discovery deadlines by forty-five (45) days as follows:

1. Amend Pleadings and Add Parties (LR 26-1(b)(2)): April 19, 2024
2. Initial Expert Disclosures (LR 26-1(b)(3)): May 20, 2024.

3. Rebuttal Expert Disclosures (LR 26-1(b)(3)): June 17, 2024.
4. Dispositive Motions (LR 26-1(b)(4)): August 19, 2024.
5. Discovery Cutoff (LR 26-1(b)(1)): July 19, 2024.

DATED this 1<sup>st</sup> day of March 2024.

DATED this 1<sup>st</sup> day of March 2024.

## BRANDON | SMERBER LAW FIRM

## LADAH LAW FIRM

*/s/ Lew Brandon, Jr., Esq.*

*/s/ Michael T. Nixon, Esq.*

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*Attorney for Plaintiff,*

KRISTASIA BUTLER

## ORDER

## IT IS SO ORDERED

Dated this 5 day of March, 2024.

Berlsweden

UNITED STATES MAGISTRATE JUDGE